

# Department of Elementary and Secondary Education

## Model Policy on Seclusion and Restraint

### November 2021

#### PREFACE

Section 160.263, RSMo, requires the local school board of each local education agency (LEA), including school districts and charter schools, in the state of Missouri to adopt a written policy on the use of restrictive behavioral interventions as a form of discipline or behavior management technique. The policy must be consistent with professionally accepted practices and standards of student discipline, behavior management, health and safety, including the Safe Schools Act.

An LEA may adopt a policy prohibiting the use of seclusion or restraint. This policy applies to all students. DESE recommends that each local entity develop effective practice guidelines and training resources that delineate system wide prevention and individual student positive behavior support interventions to increase the likelihood that extreme responses to crisis situations will not be necessary.

#### DEFINITIONS

**Emergency situation:** one in which a student's behavior poses a serious, probable threat of imminent physical harm to self or others. [*LEA option to also include "or destruction of school or another person's property."*]

**Law enforcement officer:** any public servant having both the power and duty to make arrests for violations of the laws of this state.

**Physical escort:** the temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is acting out or eloping to walk to a safe location.

**Restraint:** includes but is not limited to mechanical restraint, physical restraint, and prone restraint.

- **Mechanical restraint:** the use of any device or equipment to restrict a student's freedom of movement. The term does not include devices implemented by trained school personnel or utilized by a student that have been prescribed by an appropriate medical or related services professional and are used for the specific and approved purposes for which such devices were designed, such as
  - adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports;
  - vehicle safety restraints when used as intended during the transport of a student in a moving vehicle;
  - restraints for medical immobilization; or
  - orthopedically prescribed devices that permit a student to participate in activities without risk of harm.
- **Physical restraint:** a personal restriction that immobilizes or reduces the ability of a student to move his/her torso, arms, legs, or head freely. It does not include briefly holding a student

without undo force for instructional purposes, briefly holding a student to calm them, taking a student's hand to transport them for safety purposes, physical escort or intervening in a fight, or using an assistive or protective device prescribed by an appropriately trained professional or professional team.

- **Prone restraint:** using mechanical or physical restraint or both to restrict a student's movement while the student is lying with the student's front or face downward.

**Publicly contracted private providers:** any person working at a school function under a contract or written agreement with the school system to provide educational, behavioral, or related services to students.

**School personnel:** includes

- employees of a local board of education or a charter school governing body;
- any person, paid or unpaid, working on school grounds in an official capacity.

**Seclusion:** the involuntary confinement of a student alone in a room or area that the student is physically prevented from leaving and that complies with the building code in effect in the LEA. Seclusion does not include time-out, in-school suspension, detention, or other appropriate disciplinary measures.

- **Time-Out:** a behavior management technique that is part of an approved program, involves the monitored separation of the student in a non-locked setting, and is implemented for the purpose of calming.

## **USE OF SECLUSION OR RESTRAINT**

The use of seclusion or restraint by LEA or publicly contracted private providers is limited to situations of conditions in which there is imminent danger of physical harm to self or others. Any student placed in seclusion or restraint shall be removed from seclusion or restraint as soon as the student is no longer in imminent danger of physical harm to self or others.

For all school years beginning on or after July 1, 2022, the LEA or publicly contracted private provider shall not use any mechanical, physical, or prone restraint technique that

- obstructs views of the student's face;
- obstructs the student's respiratory airway, impairs the student's breathing or respiratory capacity, or restricts the movement required for normal breathing to cause positional or postural asphyxia;
- places pressure or weight on or causes the compression of the student's chest, lungs, sternum, diaphragm, back, abdomen, or genitals;
- obstructs the student's circulation of blood;
- involves pushing on or into the student's mouth, nose, eyes, or any part of the face or involves covering the face or body with anything including, but not limited to, soft objects such as pillows, blankets, or washcloths;
- endangers the student's life or significantly exacerbates the student's medical condition;
- is purposely designed to inflict pain; or
- restricts the student from communicating. If an employee physically restrains a student who uses sign language or an augmentative mode of communication as the student's primary mode

of communication, the student shall be permitted to have the student's hands free of restraint for brief periods unless an employee determines that such freedom appears likely to result in harm to self or others.

## **POLICY, COMMUNICATION, AND TRAINING**

All LEA and publicly contracted private providers shall annually review the policy and procedures involving the use of seclusion and restraint. Personnel who use seclusion or restraint shall annually complete mandatory training in the specific seclusion and restraint techniques utilized by the LEA.

**School personnel debriefing:** Following any emergency situation involving the use of seclusion or restraint, a debriefing shall occur as soon as possible but no later than two school days after the emergency situation. At a minimum, the debriefing shall include

- a discussion of the events that led to the emergency and why the de-escalation efforts were not effective;
- any trauma reactions on the part of the student, other students, or school personnel;
- what, if anything, could have been done differently; and
- an evaluation of the process.

**Parental notification:** Except as otherwise specified more stringently in a student's IEP or Section 504 plan:

- Following an emergency situation involving the use of seclusion or restraint, the parent or guardian of the student shall be notified through verbal or electronic means of the incident as soon as possible, but no later than one hour after the end of the school day of the incident; and
- The parent or guardian shall receive a written report of the emergency situation within five school days of the incident.

**Personnel training:** LEAs shall ensure that all school personnel receive annual training and know the policy and procedures involving the use of seclusion and restraint. The training shall include

- a continuum of prevention techniques;
- environmental management techniques;
- a continuum of de-escalation techniques; and
- information about the policy.

Personnel who utilize seclusion and/or restraint shall receive annual training in

- de-escalation practices;
- appropriate use of seclusion, inclusion, physical restraint, and mechanical restraint;
- professionally-accepted practices in physical management and use of restraints;
- methods to explain the use of restraint to the student who is to be restrained and to the individual's family; and
- information on the policy and appropriate documentation and notification procedures.

**Reports on use of seclusion or restraint:** LEA and publicly contracted private providers shall monitor each incident of seclusion or restraint used by school, charter school, and/or publicly contracted private providers and create and maintain records documenting the use of seclusion and restraint to include the following

- the date, time of day, location, duration, and description of the incident and interventions;
- any event leading to the incident and the reason for using seclusion or restraint;

- a description of the methods of seclusion or restraint used;
- the nature and extent of any injury to the student;
- the names, roles, and certifications of each employee involved in the use of seclusion or restraint;
- the name, role, and signature of the person who prepared the report;
- the name of an employee to contact if the parent or guardian wishes to file a complaint;
- a statement directing parents and legal guardians to a sociological, emotional, or behavioral support organization and a hotline number to report child abuse and neglect; and
- whether the student has an IEP, Behavior Intervention Plan (BIP), or personal safety plan.

The report shall be included as an education record of the student. A copy will be provided to the parent or legal guardian within five school days. An incident report must be filed within 30 days with the Missouri Department of Elementary and Secondary Education in the form, method, and with details specified by the department.

#### **APPLICABILITY OF THIS POLICY**

This policy applies to all LEA or publicly funded private providers. School personnel assigned to programs not located on LEA premises (e.g., hospitals, detention centers, juvenile facilities, and mental health facilities) shall follow the policy and procedure of the facility/program where they work.

No person shall be retaliated against for reporting a violation of this policy or for providing information on a violation of Section 160.263, RSMo, by an LEA or member of the staff of an LEA or publicly contracted private contractor.